

**To:** McGrath, Shaun[McGrath.Shaun@epa.gov]  
**Cc:** Ward, W. Robert[Ward.Robert@epa.gov]  
**From:** Card, Joan  
**Sent:** Thur 9/10/2015 1:42:24 PM  
**Subject:** Re: CO Mine Spill Hearing Clips 9/10

Yes

Joan Card  
Senior Policy Advisor  
Region 8

Sent from my EPA iPhone

On Sep 10, 2015, at 7:40 AM, McGrath, Shaun <[McGrath.Shaun@epa.gov](mailto:McGrath.Shaun@epa.gov)> wrote:

That works. I just want to start prepping for testimony next week.

Sent from my iPhone

On Sep 10, 2015, at 7:39 AM, Card, Joan <[Card.Joan@epa.gov](mailto:Card.Joan@epa.gov)> wrote:

### **Deliberative Process/Ex. 5**

Joan Card  
Senior Policy Advisor  
Region 8

Sent from my EPA iPhone

On Sep 10, 2015, at 7:39 AM, McGrath, Shaun <[McGrath.Shaun@epa.gov](mailto:McGrath.Shaun@epa.gov)> wrote:

### **Attorney Client/Ex. 5**

Sent from my iPhone

Begin forwarded message:

**From:** "Gong, Kristiene" <[Gong.Kristiene@epa.gov](mailto:Gong.Kristiene@epa.gov)>  
**Date:** September 10, 2015 at 7:33:22 AM MDT  
**Subject:** RE: CO Mine Spill Hearing Clips 9/10

**Watchdog.org:**

<http://watchdog.org/237424/epa-hearing/>

**CO mine owner: EPA lied in congressional hearing**

By Tori Richards / September 9, 2015

**BEFORE THE DISASTER:** This 2009 photo shows the mouth of the Gold King Mine running clear water at approximately 80 gallons per minute, according to owner Todd Hennis.

An Environmental Protection Agency official lied during a congressional hearing Wednesday when he said the agency responded to a Gold King Mine “cave-in” when in fact EPA contractors created the disaster by barricading the mine last summer, the owner of the mine has charged.

“This was a result of cave-ins and water buildup. That’s why we were there at the time,” said Mathy Stanislaus, assistant administrator of the EPA’s Office of Solid Waste and Emergency Response. His boss, Administrator Gina McCarthy, did not attend the first congressional hearing into the Animas River Spill, held by the House Committee on Science, Space and Technology.

Although Stanislaus was grilled on other issues such as transparency and double standards pertaining to non-government spills, none of the representatives drilled into Stanislaus’ claim that the Colorado spill was a result of natural forces.

But his comments weren’t lost on Todd Hennis, Gold King’s owner.

“It’s absolute baloney of the worst sort,” Hennis said immediately after the hearing. “They blocked off the flow of water out of the drain pipes and they

created the huge wall of water in the Gold King by their actions last year.”

One thing isn’t in dispute: EPA contractors punched a hole in the top of the walled-up Gold King mine on Aug. 5, sending 3 million gallons of water into the Animas River, part of the Colorado River system that sustains much of the American Southwest. The waterway from Colorado to New Mexico turned bright orange.

....AND AFTER THE EPA WAS AT WORK: A 2014 photo shows the Gold King Mine after it was filled in, maintaining the round structure of the upper rock. Hennis says the gray drainage pipes at the bottom are partially blocked.

Hennis told Watchdog last month the EPA dumped 15 tons of hazardous waste into another mine he owned in 2005 and then walled up the Gold King last summer as a means to control water runoff.

He provided a photo to Watchdog showing a wide-open mine with a small stream of clear-colored water running out. Another photo from an EPA report shows a photo taken in 2014 after the mine had been closed off.

“It shows there was no flow of water coming out,” Hennis said. “They are calling it an act of God when it was an act of government. The photos clearly show the EPA backfilled the portal to block water from coming out and they blocked the discharge pipes at the same time.”

Blocking the mine’s natural drainage triggered the catastrophe, Henning told Watchdog.

An EPA fact sheet also maintains that, “While excavating above the old (mine entrance), pressurized water began leaking above the mine tunnel, spilling about three million gallons of water stored behind the collapsed material into Cement Creek, a tributary of the Animas River.”

Rep. Bruce Westerman, R-Arkansas, asked whether contractor Environmental Restoration — a go-to EPA contractor — was qualified for the job.

“We’re not sure how much design engineering was done on this project or if the people were qualified to do this,” Westerman said. “Obviously (there was) a lack of planning that went into this because of the spill that occurred.”

Reps. Gary Palmer, R-Alabama; Barry Loudermilk, R-Georgia; and Lamar Smith, R-Texas, blasted the EPA for creating witch hunts on offending companies and individuals, while engaging in a lax attitude when the agency is at fault.

Loudermilk recalled the 2010 BP Oil spill and an appearance by President Obama on the “Today Show,” demanding the firing of BP Chairman Tony Hayward.

“Do you think we should have the same standards for Gina McCarthy?” Loudermilk asked. “Should we have called for her to be fired if definitely the EPA was responsible for the spill?”

**From:** Gong, Kristiene  
**Sent:** Wednesday, September 09, 2015 3:52 PM  
**Subject:** RE: CO Mine Spill Hearing Clips 9/9

**Albuquerque Journal:**

<http://www.abqjournal.com/641571/politics/republicans-blast-epa-for-animas-spill-dems-say-problem-much-bigger-than-epa.html>

## **Republicans blast EPA for Animas spill, Dems say problem much bigger than EPA**

By: Michael Coleman / Journal Washington Bureau

WASHINGTON – U.S. House Republicans blasted the Environmental Protection Agency Wednesday for triggering a toxic mine spill that polluted the Animas River, but Democrats argued the agency's mishap pales in comparison to private mining companies' release of many more toxins into the river on an annual basis.

House Science Committee Chairman Lamar Smith, R-Texas, called the actions of federal and contract workers who accidentally unleashed mining toxins into the river at the abandoned Gold King mine near Silverton, Colo. "inexcusable." The spill polluted waters in Colorado, New Mexico and Arizona.

"The EPA's negligence is especially inexcusable since there were known procedures that could have prevented the river's pollution," Smith said, adding that the agency has failed to be "transparent" in the weeks since the spill.

"This committee asked for information from the EPA almost a month ago and we have yet to receive all of the documents that were requested," he said.

Mathy Stanislas, the EPA's assistant administrator in the Office of Solid Waste and Emergency Response, described the accident, which resulted in the spill of 3 million gallons of toxins into the Animas River over two days in August, "tragic and unfortunate. He said it will take time for the Interior Department and EPA Inspector General to complete investigations to determine the exact cause of the spill and who, exactly, is to blame.

Stanislaus also rebutted criticism from the Navajo Nation and others affected

by the spill that the agency has not been transparent about the cause and effects of the ecological disaster.

“We have been as transparent as we possibly could,” Stanislaus said.

EPA employees caused the spill Aug. 5 as they were devising a plan to deal with reservoirs of contaminated water left behind by mining companies. Environment officials have since flooded surrounding irrigation ditches to try to flush out contaminants in areas of the river and its tributaries used by farmers.

Stanislaus said Wednesday that New Mexico’s affected water are back to normal.

“What we have communicated with State of New Mexico is that the water has returned to pre-incident levels,” Stanislaus said.

The EPA official also rejected claims that the EPA ignored the dangers of a possible spill and noted that the Animas and three other area rivers take on 330 millions gallons of toxins annually from mining activity – and amount he compared the the three million gallons released by the EPA.

“We raised the issue and that’s the reason we were there,” Stanislaus said. “There was a cave-in with water seeping and we were there to address that.”

Meanwhile, the director of the Navajo Nation’s Environmental Protection Agency, Donald Benn, told the congressional panel that the EPA’s lack of communication after the spill has fostered “a culture of mistrust.” Benn said the Navajo Nation didn’t receive word about the spill until 24 hours after the incident, and that came from the State of New Mexico’s Environment Department, not the EPA.

Benn also said the EPA later assured the tribe that the toxin spill site had been plugged, but after Navajo officials went to the site to see for themselves “it was clear that it wasn’t.”

“It was still mustard,” Benn said, referring to the bright yellow-orange color the river took on from iron oxide released into the river during the spill.

While Benn and committee Republicans criticized the EPA, Democrats on the panel noted that the EPA was in Colorado trying to help clean up toxins left by private mining companies – not the government. Rep. Eddie Bernice Johnson, D-Tex., noted that the Animas spill “was an unfortunate accident.”

“But Aug. 5 was not the first time the Animas has changed colors,” Johnson said.

Durango Mayor Dean Brookie said the 100-year-plus legacy of hardrock mining in the Rocky Mountains “is the quiet but real catastrophe that has largely gone unnoticed by the public until now.”

Brookie said longstanding mining activity in the San Juan mountain range surrounding Durango results in a “giant geologic game of whack a mole” that often causes the Animas river to run strange colors.

“These are tunnels and they fill up with water,” Brookie said, referring to the mines. “Pick your color – we’ve had black we’ve had grey, we’ve had all kinds of colors.”

Brookie also sought to deflect at least some of the pressure on the EPA as a result of the spill. He said the agency is “taking the issue seriously” and was there to help in the first place.

“There is no denying they had their hand on the shovel during this incident but they did not cause this spill on purpose,” Brookie said. “The EPA was at the Gold King Mine helping to address these long-standing environmental issues.”

Republican committee members expressed deep displeasure that EPA Administrator Gina McCarthy did not testify on the issue.

“Perhaps she doesn’t have good answers,” Smith, the committee chairman, said.

Smith and other Republicans also said if the spill had been caused by a private company, punitive action by the EPA would have been swift and severe.

“There appears to be a double standard,” said Rep. Gary Palmer, R-Ala. “If this had been a private company, I don’t think EPA would share the same optimism and I don’t think the EPA would have handled them the same way it has handled itself. You would destroy the company.”

Rep. Steve Pearce, a New Mexico Republican, is not on the committee, but sat in on the hearing. He said afterward that the EPA should recuse itself from the lead investigatory role and turn that responsibility over to another government agency, perhaps the Bureau of Reclamation.

Earthworks, a national environmental group that focuses on mining pollution, estimates that there are over 500,000 abandoned and inactive hardrock mines strewn across the country. The abandoned mines could cost as much as \$50 billion to clean up, according the Environmental Protection Agency, which has admitted to inadvertently causing the Animas spill.

EPA has estimated the cost of cleaning up abandoned mines nationwide, not including coal mines, at between \$20 billion and \$54 billion.

**From:** Gong, Kristiene  
**Sent:** Wednesday, September 09, 2015 1:06 PM  
**Subject:** RE: CO Mine Spill Hearing Clips 9/9

**Washington Times:**

<http://www.washingtontimes.com/news/2015/sep/9/epa-accused-hearing-doctoring-video-mine-spill/>

**EPA accused at hearing of doctoring video from Gold King Mine spill**

By Valerie Richardson - The Washington Times - Wednesday, September 9, 2015

The Environmental Protection Agency was accused Wednesday of doctoring footage from the Gold King Mine spill, removing the audio of a worker saying, “What do we do now?”

During a House committee hearing on the accident, Rep. Bill Johnson, Ohio Republican, showed what he said was an original on-site video taken the day of the Aug. 5 spill, which includes the audio, and then the same video posted on the EPA’s website that beeps out the audio.

The 3-Step “Pancreas Jumpstart” trick fights Diabetes in just 11 days (PROOF)

“The last few seconds of the audio has been removed to prevent the viewers from hearing the team on the ground saying, ‘What do we do now?’” said Mr. Johnson during the House Science, Space, and Technology hearing.

He quizzed Mathy Stanislaus, assistant administrator of the EPA's Office of Solid Waste and Emergency Response, about the apparent removal of the audio.

The EPA posted a disclaimer on its website saying that profanity from its videos had been removed and license plates blurred, but that otherwise the agency "did not edit the videos."

"So you said you had no reason to believe that the EPA's website had been altered. I've just given you reason because the evidence is there," Mr. Johnson said. "The before video and the one that you posted on the website. Why did the EPA edit out the audio of the team on the ground saying, 'What do we do now?'"

Mr. Stanislaus said he did not know why the videos would have been edited, prompting Mr. Johnson to ask, "After seeing both videos, do you think EPA's website is misleading to the American public?"

Mr. Stanislaus said, "I can't tell at this moment," prompting Mr. Johnson to retort, "What do you mean you can't tell? You just saw two videos, one that had it, one that didn't, one that was clear and open, one that was posted by the EPA. How can you not tell?"

The hearing centered on the EPA's accidental uncorking of 3 million gallons of orange wastewater from the Gold King Mine near Silverton, Colorado, which spread into the Animas and San Juan rivers.

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**Denver Post:**

[http://www.denverpost.com/breakingnews/ci\\_28781450/house-science-committee-review-gold-king-mine-disaster?source=rss](http://www.denverpost.com/breakingnews/ci_28781450/house-science-committee-review-gold-king-mine-disaster?source=rss)

## **House science committee grills EPA over Gold King Mine spill**

First of several committee hearings to look into the spill

By Mark K. Matthews

WASHINGTON — With memories of the Gold King Mine disaster still lingering, lawmakers on the U.S. House science committee sparred Wednesday with a top EPA official over who is to blame for the Aug. 5 disaster.

The two-hour meeting was the first of several hearings Congress has planned this month to investigate the Colorado accident, and the initial discussion was more of a food fight than a debate, featuring Republicans generally blasting the agency and Democrats and the EPA angling to put the accident in perspective.

Chairman Lamar Smith, R-Texas, opened the hearing by slamming the Environmental Protection Agency for not being careful enough in dealing with the Gold King Mine and triggering the release of 3 million gallons of toxic waste that affected Colorado, New Mexico and Utah as well as the Navajo Nation.

"Had the EPA exercised the same care in making their decisions as an ordinary prudent person, this whole incident could have been avoided," he said.

Later, he said the EPA had ignored warnings of the danger. "There had to be negligence or the spill would not have occurred," he said.

Other lawmakers, including U.S. Rep. Barry Loudermilk, R-Ga., accused the

EPA of not been transparent enough in releasing information and argued that the federal government is being held to a less-stringent standard than private companies involved in environmental disasters, such as BP and the Deepwater Horizon oil spill.

"When are we going to see the transparency this government demands of private industry?" he asked.

In response, Mathy Stanislaus, an assistant EPA administrator who handles clean-up operations, tried to put the disaster in perspective.

While the release of 3 million gallons of toxic waste was a "tragic and unfortunate incident," he noted the Gold King Mine and three other nearby mines were discharging several times that amount each year: to the tune of 330 million gallons.

It was the reason the EPA was doing work at the site in the first place.

"By 2014, the EPA was working with the state of Colorado to take action at the Gold King Mine to address both the potential for catastrophic release and the ongoing adverse water quality impacts caused by the significant mine discharges into the Upper Animas," Stanislaus said in prepared remarks.

It was a point seconded by Dean Brookie, mayor of Durango.

According to the EPA, there are roughly 23,000 former mines in Colorado. That includes about 400 abandoned or inactive mines within the watersheds of the San Juan Mountains in southwest Colorado.

Leakage from many of these sites is the "quiet but real catastrophe that has

been unnoticed by the public until now," Brookie said.

The problem doesn't clear the EPA of responsibility for the Gold King Mine disaster — "there is no denying they had their hands on the shovel," he said — but he added that the agency was working to deal with the underlying problem.

"Without the EPA, and the federal government more broadly, there is simply no option for addressing the risk to human health and the environment caused by the region's mining legacy," he concluded.

Added U.S. Rep. Ed Perlmutter, D-Arvada: "there is no real bad guy. We're trying to fix something that's been 100 years in the making."

Caught in the crossfire was the Navajo Nation, which also was affected by the spill.

Donald Benn, executive director of the Navajo Nation Environmental Protection Agency, said the Navajo Nation wasn't notified of the accident until long after it occurred.

He described a "lack of trust" of the EPA and he warned of the incident's effect on farmers and ranchers — who have had to cart in clean water — and the overall economic effect on a community that "already has 42 percent unemployment rate," he said.

Benn added the Navajo Nation still needed resources to address the immediate emergency and he suggested the EPA establish a fund to help farmers.

"At this moment, we simply request assistance from the responsible parties to make us whole and return the beauty and hozho (or peace and balance) to our river and our people," he said in prepared remarks.

**From:** Gong, Kristiene  
**Sent:** Wednesday, September 09, 2015 12:59 PM  
**Subject:** RE: CO Mine Spill Hearing Clips 9/9

**The Hill:**

<http://thehill.com/policy/energy-environment/253070-dems-epa-defend-agency-over-mine-spill-criticism>

**Dems, EPA defend agency over mine spill criticism**

By Devin Henry - 09/09/15 12:51 PM EDT

Democrats and a top Environmental Protection Agency official moved Wednesday to defend the department against criticism of a mine spill it caused last month, noting that wastewater spills happen regularly at mine sites.

Republicans on the House Science, Space and Technology Committee hammered EPA assistant administrator Mathy Stanislaus during a Wednesday hearing for the Aug. 5 Colorado mine spill caused by a team of EPA contractors.

But the agency and its allies, including Democrats on the committee and the mayor of the town hardest hit by the mine spill, often reminded the committee that while the EPA should take blame for the Gold King Mine spill, waste leakage into waterways in the area has happened before.

“I am not discounting the significance of the Aug. 5 event at the Gold King mine or its potential environmental impact, but it is important to understand that the issue of mine drainage into the Animas Watershed did not begin last month,” Eddie Bernice Johnson (D-Texas), the committee’s ranking Democrat, said.

Johnson showed the committee photos of the Animas River, turned yellow from wastewater in 2012 and 2013 similar to what happened after the August spill.

She said environmental regulators should focus on the underlying problem that caused those spills: the “inherently dangerous, dirty and environmentally damaging process of metal mining.”

The Aug. 5 spill sent about 3 million gallons of toxic sludge into Colorado’s Animas River. According to EPA estimates, four mines in the state leak about 330 million gallons of water into rivers there annually on their own.

Dean Brookie, the mayor of Durango, Co., which is near the mining site, equated the EPA’s inspection of the mine to a game of “whack-a-mole,” where once one abandoned mine is cleaned up, another presents a risk.

“Pick your color,” he said of the chemicals that have leaked into the rivers before. “We’ve had black, we’ve had gray, we’ve had all types of colors.”

But that reasoning — mining is dangerous and wastewater storage presents spillage risks — fed right into one of Republicans’ line of attack on the EPA.

Committee chairman Lamar Smith (R-Texas) pushed Stanislaus on the EPA’s internal risk assessment of the mine and why the contracting team was there in the first place.

Stanislaus said the team was looking to assess what should be done at the mine to reduce the risks of a blowout or a spill in the future. But Smith said that if the EPA determined the Gold King Mine to be at risk of a leak, the team “clearly did something wrong” to made it happen.

“It seems to me you did not heed the dangers, or you did not act to prevent the spill in an adequate fashion, or the spill would not have occurred,” Smith said.

The mine spill has given Republicans another chance to bludgeon the EPA, an agency that earned their scorn throughout the Obama administration for its aggressive environmental regulations.

Wednesday’s hearing was the first of what will likely be many on the spill. The Senate Environment and Public Works has called a spill hearing next week, and the House Natural Resources and Oversight Committees will hold a joint meeting on the matter the next day.

On Wednesday, Republicans targeted the EPA for a number of aspects related to the accident, from the reasons behind the spill itself and the agency’s response immediately afterward to the information it’s released since then.

The EPA defended itself, with Stanislaus noting that it began issuing warnings about the spill to downstream communities the day of. He acknowledged that wasn’t quick enough, however, and said the agency is working to increase those response times.

He said the EPA has posted 2,500 documents online related to the spill. But even that information was put under the microscope: Republicans noted that audio of an on-site official saying “what do we do now?” had been deleted from a video taken during the incident.

In light of the video, Rep. Bill Johnson (R-Ohio) asked, “Was the EPA prepared to respond to an environmental incident of this magnitude?”

Stanislaus said that EPA investigators determined the team had not considered the “worst-case scenario” of a blow-out during the incident. He noted that the EPA and outside agencies are conducting reviews into what went wrong during the spill.

Republicans knocked EPA administrator Gina McCarthy for not appearing at the hearing herself, with the agency sending Stanislaus, the assistant administrator of the Office of Solid Waste and Emergency Response, instead.

They said the EPA should be held accountable in the same way the agency would punish a private firm if they were a polluter, with some even equating it to the 2010 Deepwater Horizon oil spill in the Gulf of Mexico.

“Do you think you should hold the same standard?” Rep. Barry Loudermilk (R-Ga.) said. “Should Gina McCarthy — should we have called for her to be fired?”

Smith, too, said someone at the EPA will eventually have to be held accountable for the incident.

“It looks like, to many of us, that nobody’s been held accountable,” he said. “Yet the EPA … doesn’t seem to take any responsibility, and that’s simply a disappointment, I have to tell you.”

**From:** Gong, Kristiene

**Sent:** Wednesday, September 09, 2015 12:34 PM  
**Subject:** RE: CO Mine Spill Hearing Clips 9/9

**Fox News:**

<http://www.foxnews.com/politics/2015/09/09/epa-admits-never-planned-for-worst-case-scenario-at-site-toxic-mine-spill/>

**EPA admits never planned for ‘worst-case scenario’ at site of toxic mine spill**

Published September 09, [2015FoxNews.com](#)

The Environmental Protection Agency acknowledged Wednesday that it did not plan for the "worst-case scenario" at a Colorado mine clean-up operation -- where that scenario unfolded last month when a toxic mine spill sent millions of gallons of sludge into Western rivers.

Mathy Stanislaus, an EPA assistant administrator, testified at the first congressional hearing on the mine disaster. He defended the agency's transparency but said a team has concluded the agency's response plan did not account for a blowout.

"The investigation team also concluded that the emergency response component of the plan did not include the worst-case scenario of a blowout and that's something I committed to, going forward, to make sure that happens," Stanislaus told lawmakers on the House science committee.

Stanislaus' answers did not appear to satisfy lawmakers who accused the EPA of ducking responsibility for the spill that fouled rivers in three Western states.

"The EPA neither took responsibility nor were they forthright with the American people," House science committee Chairman Lamar Smith, R-Texas, said, urging the EPA to "come clean" on its involvement.

Smith said the EPA took more than 24 hours to inform the public about the seriousness of the spill. He added he was disappointed that EPA chief Gina McCarthy declined to attend the hearing Wednesday, saying: "Perhaps she doesn't have good answers."

Frustrated lawmakers have been trying to get more answers on the spill to explain how a government cleanup team doing excavation work triggered the release of 3 million gallons of rust-colored sludge from the inactive Gold King Mine near Silverton, Colo.

Stanislaus said his agency has been "as transparent as we possibly could."

But Rep. Bill Johnson, R-Ohio, challenged that claim by airing a pair of videos from the scene of the spill itself. In the first, released to the public, water can be seen gushing out but comments from people in the video are bleeped out at the end.

Johnson then played an uncensored version of the video, released to the committee, where somebody can be heard at the end appearing to say, "What do we do now?"

Johnson asked Stanislaus why the EPA edited out that audio. (On its website, the agency said it only removed profanity in the audio.)

The EPA official said he did not know.

Johnson suggested the EPA was being misleading, and added: "Clearly, 'what do we do now -- that question, they didn't have an answer to."

At the lead-off hearing held Wednesday, the Navajo Nation's environmental protection director also said they want another agency put in charge of the response and an "independent" body put in charge of the investigation.

"No other environmental bad actor would be given leeway to investigate itself," Donald Benn said, claiming the EPA has a "conflict of interest."

Stanislaus acknowledged that "broader notification should have occurred" after the spill.

And, in response to questions about accountability, he said they are doing internal reviews and "we are only part of the way through."

The hearing Wednesday marked only the start of congressional scrutiny for the EPA's role in the spill.

A private contractor was trying to pipe contaminated water from the Gold King Mine to a nearby water treatment system when the spill happened on Aug. 5.

Crews were using heavy equipment to remove loose dirt above the entrance of the collapsed mine on the morning of the spill.

Benn made several appeals to the EPA during Wednesday's hearing, warning of potential "long-term health effects" and "long-term economic losses" from the disaster.

He asked for help delivering water and hay to locals, and setting up a relief fund for ranchers and farmers. He called for more resources for water, sediment and soil monitoring, and help establishing reserve water supplies to guard against future disasters.

**From:** Gong, Kristiene  
**Sent:** Wednesday, September 09, 2015 12:01 PM  
**Subject:** CO Mine Spill Hearing Clips 9/9

**AP (via NJ Herald):**

<http://www.njherald.com/story/29990720/house-chairman-epa-actions-in-mine-spill-inexcusable>

**House chairman: EPA actions in mine spill 'inexcusable'**

By MATTHEW DALY

WASHINGTON (AP) - The chairman of the House Science Committee says the Environmental Protection Agency's actions in causing a toxic mine spill that fouled rivers in three Western states were "inexcusable."

Republican Rep. Lamar Smith of Texas is vowing to hold the agency accountable for its "negligence" in causing the Aug. 5 spill near Silverton, Colorado, and for its "lack of transparency" afterward. The spill tainted rivers in Colorado, New Mexico and Utah with heavy metals.

Smith says the EPA took more than 24 hours to inform the public about the seriousness of the spill and initially underestimated the amount of rust-colored sludge released from the inactive Gold King Mine.

Smith adds he was disappointed that EPA chief Gina McCarthy declined to attend a hearing Wednesday, saying: "Perhaps she doesn't have good answers."

**Washington Examiner:**

<http://www.washingtonexaminer.com/epa-contractor-expresses-horror-of-gut-wrenching-spill-in-colorado/article/2571660>

**EPA contractor expresses horror of 'gut-wrenching' spill in Colorado**

By JOHN SICILIANO

An Environmental Protection Agency contractor who caused a major toxic spill in Colorado last month expressed horror at the events during a hearing Wednesday, while defending his company's reputation as one involved in helping New York recover from the Sept. 11, 2001, terrorist attacks.

Dennis Greaney, president of Environmental Restoration, told the House Science, Space and Technology Committee that the events on Aug. 5 were "gut-wrenching" and "heartbreaking to say the least."

The company was responding to a work order under the direction of the EPA when it inadvertently caused a mine "blowout" that released three million gallons of wastewater from an abandoned gold mine in Colorado, Greaney said.

The wastewater created a yellow plume of acidic heavy metals that found its way into the waterways of three states.

"We were directed to remove ... debris ... with all due caution [under the]

guidance of EPA" and Colorado state authorities, Greaney said. What occurred was a "terrible misfortune for the Animas River" and "gut-wrenching ... to watch."

Greaney said his company has been involved in the response efforts surrounding a number of major disasters, including the terror attacks, the 2010 Deepwater Horizon oil blowout and explosion in the Gulf of Mexico, and the anthrax attacks in Washington that occurred after the Sept. 11 terror attacks.

He said his company has been rated as "30 percent safer" than anyone else in the industry.

EPA's assistant administrator for solid waste and emergency response, Mathy Stanislaus, told the committee the contractor determined that the pressure was not high enough to cause the resulting spill.